

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 463

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 11, 2006
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

Catherine Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Father John Brungardt of the Catholic Diocese gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the April 4, 2006 meeting were approved 7 to 0.

VICE-MAYOR

SELECTION OF VICE-MAYOR.

The Council proceeded to vote and on the first ballot, selected Council Member Gray as Vice Mayor by a vote of 7 to 0.

OATH OF OFFICE

Council Member Gray was administered the Oath of Office by Judge Jennifer Jones.

AWARDS AND PROCLAMATIONS

Proclamation

Proclamation - Volunteer Week.

Mayor Mayans read aloud the Proclamation.

Recognition

Kenyan's Working Together for Good Governance.

Mayor Mayans welcomed three ladies from Kenya who are working together for good governance of their country and have come to Wichita to learn from us and for us to learn from them.

Ernestine Graybill introduced Janet N. Ekumbo, Khadija Swaleh Hassan and Zahara Shee Mohamed and stated that they are all grassroots volunteers and leaders in their own nation. Stated that the United States League of Women Voters Education Fund chose them, to come to the United States. Stated that they are here to learn about government and how to run for office and their plan is to not just be a volunteer but to be a political leader because they are seeing that volunteerism and political leadership go together to make things happen. Stated that each one of them is from a different district but they are all from the coastal area near Mombassa. Stated that they have been in political training and today they will be volunteering at the Lord's Diner. Stated that out of all of the cities throughout the United States, that have League of Women Voter units, which was a competitive thing, only two were chosen, Wichita and Tucson to host these ladies.

Mayor Mayans presented each of the ladies with a medallion from the City of Wichita.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 464

CONSENT AGENDA

Motion-- Mayans moved that consent agenda items 1 to 14 (bd), be approved in accordance with the
--carried recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 10, 2006.

Bids were opened April 7, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

2006 Contract Maintenance Asphalt Mill & Overlay, Phase 2 - south of 29th Street North, east of Meridian. (472-84373/132719/133116/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV)

Cornejo and Sons Construction - \$836,200.00 (Engineer's estimate)

Water Distribution System to serve Liberty Park 2nd & 3rd Additions - south of 13th Street North, east of 135th Street West. (448-89895/735306/470977) Does not affect existing traffic. (District V)

Mies Construction - \$76,945.00

Gilbert from the east line of 127th Street East to the east line of Lot 1, Block 4 to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (472-84350/ 765977/490092); AND Peckham/Laguna/Sierra Hills from the south line of Gilbert to the north line of Lot 20, Block 3; Peckham Court serving Lots 1 through 15, Block 2, from the west line of Peckham to and including the cul-de-sac; Peckham Court serving Lots 16 through 27, Block 2, from the west line of Peckham to and including the cul-de-sac; Laguna from the east line of Lot 36, Block 2 to 237 feet east of the east line of Lot 36, Block 2 to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (472-84328/765974/490089) Does not affect existing traffic. (District II)

Kansas Paving Company - \$172,781.00 (Group 1 – negotiated to Engineer's estimate)
341,931.00 (Group 2)
\$514,712.00 (Total aggregate bid)

Motion-- Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest
--carried and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Carbon Dioxide.

EPCO Carbon Dioxide Products, Inc. - \$25,800.00*
*Estimate – Contract approved on unit cost basis.

PARKS & RECREATION DEPARTMENT/FORESTRY DIVISION: Street Tree Removal.

Arbor Masters Tree Service Inc. - \$13,450.00 (Group 1 base bid)
5,000.00 (Group 1/option 1)
\$18,450.00 (Total net bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 465

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Skid Steer Loader and utility Trailer.

White Star Machinery & Supply - \$40,531.68 (Base bid)
2,141.70 (Group 1/option 1)
371.70 (Group 1/option 2)
1,994.20 (Group 1/option 3)
3,737.36 (Group 1/option 4)
1,460.38 (Group 1/option 5)
497.96 (Group 1/option 6)
\$50,734.98 (Total net bid)

PARKS & RECREATION DEPARTMENT/GOLF DIVISION: Fertilizers, Herbicides, and Pesticides.

UAP Professional Product - \$25,254.00* (Total Group 1)
Tie bid - Awarded by coin toss

Helena Chemical Company - \$1,141.20 (Total Group 2)

Supreme Turf Products Inc. - \$348.00 (Total Group 3)
1,400.00 (Total Group 4)
1,920.00 (Total Group 5)

BWI Springfield - \$1,207.20 (Total Group 6)
843.20 (Total Group 7)

Supreme Turf Products Inc. - \$1,320.00 (Total Group 8)

Van Diest Supply Co. - \$136.40 (Total Group 9)

Helena Chemical Company - \$738.00 (Total Group 10)

BWI Springfield - \$4,297.60 (Total Group 11)
888.40 (Total Group 12)

Quality Turf - \$3,315.00 (Total Group 13)

UAP Professional Product - \$1,012.00 (Total Group 14 - Corrected total)

BWI Springfield - \$147.10 (Total Group 15)

Helena Chemical Company - \$22,780.00 (Total Group 16)

Supreme Turf Products Inc. - \$4,147.50 (Total Group 17)

Helena Chemical Company - \$1,563.24 (Total Group 18)

BWI Springfield - \$630.00 (Total Group 19)

Quality Turf - \$18,585.00 (Alternate Bid/Total Group 20)

Estes Inc. - \$1,100.00 (Total Group 21)

Lesco Inc. - \$9,795.60 (Total Group 22)
6,300.00 (Total Group 23)
3,784.00 (Total Group 24)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 466

Van Diest Supply Co. - \$3,079.68 (Total Group 25)
4,151.40 (Total Group 26)
4,451.30 (Total Group 27)
781.99 (Total Group 28)
952.50 (Total Group 29)
1,688.00 (Total Group 30)
2,387.54 (Total Group 31)

Estes Inc. - \$1,206.25 (Total Group 32)
1,240.00 (Total Group 33)
1,094.40 (Total Group 34)

PARKS & RECREATION DEPARTMENT/AQUATICS DIVISION: Aley and Linwood Bathhouse Renovations.

Gray and Sons Construction - \$14,899.00 (Group 1 total net bid)
Arambula Construction - \$9,995.00 (Group 2 total net bid)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE APPLIC.

APPLICATION FOR LICENSE.

Renewal

Gail R. Crump	GS Entertainment dba Adult Super Store	5858 South Broadway
---------------	---	---------------------

Motion--
--carried

Mayans moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
----------------	-------------	----------------------------------

Juan Castaneda	Angela's Café*	10901 East Kellogg Drive
Joseph T. Weber	Club Billiards	925 West Douglas
Miguel Reyes	Roslizeria Los Reyes*	512 West 21st Street
Scott L. Webb	Delano Barbecue Co., L.L.C.*	710 West Douglas

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
----------------	-------------	-----------------------------------

Brandon Diep	Speedway	565 South Market
Mo ArifurPaffnan	K.C. Gas and Grocery	1161 North Broadway

<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
---------------------	-------------	----------------------------------

Nancy Orasit	Buffet Delight Inc.*	3205 East 31st Street
Violet D. Bayless	Crescent Stores Corp. dba CSC#35	550 North Webb Road

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 467

Special Event

	<u>May 12, 13, 14, 2006</u>	
John Thien	Wichita River Festival	West Bank Stage
Patrick Audley	Wichita River Festival	Food Court - 225 West Douglas
	<u>May 15, 16, 17, 2006</u>	
Patrick Audley	Wichita River Festival	Food Court - 225 West Douglas
	<u>May 18,19,20 2006</u>	
Patrick Audley	Wichita River Festival	Food Court - 225 West Douglas
	<u>May 20, 2006</u>	
John Thien	Wichita River Festival	Food Court – McLean Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a) Water Distribution System to serve Harvest Ridge Addition - north of MacArthur, west of Maize. (448-89850/735305/470976) Does not affect existing traffic. (District V) - \$77,000
- b) Water Distribution System to serve Turkey Creek Addition - north of Pawnee, west of 119th Street West. (448-89962/735304/470975) Does not affect existing traffic. (District V) - \$121,000
- c) Tara Falls from the north line of Pawnee to the west line Reserve E; Tara Falls Court from the west line of Tara Falls to and including the cul-de-sac (Lots 1 through 17, Block 1); Willowgreen/Willowgreen Circle from the east line of Tara Falls to the east line of Lot 2, Block 4; Willowgreen Court from the south line of Willowgreen to and including the cul-de-sac (Lots 19 through 30, Block 4); Casa Bella from the north line of Willowgreen to the north line of Casa Bella Addition to serve Casa Bella Addition - north of Pawnee, west of 127th Street East. (472-84271/765975/490090) Does not affect existing traffic. (District II) - \$400,000
- d) Covington from the north line of 29th Street North to the east line of Lot 30, Block 1, Fontana 2nd Addition; Shefford from the east line of Lot 30, Block 1, to the east line of Covington; Covington Court to and including the cul-de-sac; Fontana Circle to and including the cul-de-sac; Fontana Court to and including the cul-de-sac; Landon Circle to and including the cul-de-sac to serve Fontana and Fontana 2nd Additions - north of 29th Street North, east of 119th Street West) (472-84086/765976/490091) Does not affect existing traffic. (District V) - \$1,064,300
- e) Churchill Circle from the south line of Lot 1, Block 2, to the south line of Lot 12, Block 2; Churchill Court, serving Lots 4 through 9, Block 2, from the south line of Churchill Circle to and including the cul-de-sac to serve Reed's Cove 4th Addition (south of 21st Street North, east of 127th Street East. (472-84384/765986/490103) Does not affect existing traffic. (District II) - \$435,000
- f) McCormick Street Realignment - McCormick, from Leonine to K-42. (472-83831/706866/203332) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$1,430,000

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 468

- g) Harry Street Temporary Frontage Road to serve Auburn Hills 15th Addition - west of 135th Street, north of Kellogg. (472-83962/765951/490064) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$200,250

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

TRANSIT AGRMNT

TRANSIT SERVICE AGREEMENT FOR OAKLAWN IMPROVEMENT DISTRICT. (DISTRICT III)

Agenda Report No. 06-0376

For the past several years, Wichita Transit has provided fixed-route and Para transit van service to the Oaklawn Improvement District. Currently, Sedgwick County reimburses Wichita Transit for the actual cost of providing such service according to a year-by-year contractual agreement. The purpose of this action is to establish the contractual agreement for 2006, with option year 2007.

Wichita Transit operates one fixed-route, which provides service to the Oaklawn area. Para transit service is also provided to Oaklawn based on ADA guidelines (which require service in areas in which fixed-route service is provided). In 2006, an estimated 736 hours of fixed-route service will be provided. The estimated hourly cost for this service is \$46.81 (\$64.74 per hour less revenues and federal funding credit). Para transit service cost is estimated at \$16.17 per trip, with an estimated 20 trips per month to be provided in 2006.

Based on the projected service levels, the total projected revenue from the 2006 agreement will be \$28,297.50 after deducting passenger revenues and federal credit. The adopted 2006 budget includes the expenditure authority necessary to provide the service.

City Council approval is required for contracts in excess of \$25,000.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

JOBS VENDOR

ACCESS TO JOBS VENDOR AGREEMENT.

Agenda Report No. 06-0377

The Access to Jobs program provides rides to and from work for low-income workers. Since the start of the program in October 2000, Access to Jobs has provided over 503,818 rides. By entering into a Vendor Agreement with the Cerebral Palsy Research Foundation of Kansas, Inc., we can purchase rides at a cost of \$6.00 a one-way ride. This contract will allow us to provide over 3,600 more rides a year to low-income clients in a very cost effective manner. This is a contract renewal.

Part of the Access to Jobs grant is to provide half the cost of rides that non-profit agencies offer low-income clients when they are trying to enter, or re-enter the work force. The other half of those expenses are borne by the agency.

The Access to Jobs rides will be purchased with grants from FTA (50%) and the Cerebral Palsy Research Foundation of Kansas, Inc. (50%). No city funds will be involved in the Access to Jobs ride to work program.

Vendor Agreement was drafted by the Legal Department.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 469

Motion--
--carried

Mayans moved that the Access to Jobs Vendor Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ASSET MANAG.

ASSET MANAGEMENT AGREEMENT.

Agenda Report No. 06-0378

On September 25, 2001, the City Council approved the purchase of the Hyatt Regency Wichita Hotel. The City became the sole owner of the Hyatt Regency Wichita and assumed responsibility for oversight over various operational and financial areas with respect to management of the Hyatt. Day-to-day management of the hotel is contracted to the Hyatt Hotel Corporation. To provide expert assistance in the oversight of hotel management activities, the City engaged the services of PKF Consulting to serve as the City's Hotel Asset Manager. The term of the PKF asset management contract expired at the end of 2005.

Asset management is defined as the oversight of the long-term value of the hotel as a real estate entity, while maintaining the business value and profitability of the operations of the hotel. The asset manager is an agent of the hotel owner (the City) and provides a knowledgeable and experienced interface between the owner and the management company. The asset manager makes recommendations to the hotel owner concerning performance and improvements relative to the management of the hotel, capital budgets, the condition of the physical plant, financial reporting, monitoring of the contract compliance, and so on.

PKF Consulting of Houston, Texas has served as the City's principal advisor on its dealings respecting the Hyatt Regency Hotel, going back to the original market feasibility study and selection of the hotel developer and in completing the transfer of ownership. PKF has visited the property on a quarterly basis and met with hotel management personnel (and the City) to evaluate operations and progress with any changes, capital improvement projects, etc. and reviewed in detail the financial performance of the hotel.

PKF consulting is a national leader in the field of hospitality consulting services, with offices in most major cities in the U.S. and overseas. John Keeling is a senior vice president in charge of the Houston Office of PKF Consulting and has been involved in the Hyatt Regency Wichita project since its inception. Mr. Keeling and his firm have rendered valuable service as the City's Hotel Asset Manager. PKF has been involved in projects such as the room remodel as well as the promenade area connecting Century II.

Under the terms of the contract renewal, it is proposed that PKF will evaluate monthly operating and financial results, follow up with management to determine the reasons for material variances, visit the property on a quarterly basis and meet with hotel management personnel (and the City) to evaluate operations and progress with any changes, capital improvement projects, etc. and annually will evaluate the Market Plan, Annual Plan and the Capital Budget. The proposed term of the renewed engagement of PKF consulting as the Hotel Asset Manager is for a two year term ending December 31, 2007.

The proposed compensation for on-going hotel asset management services from PKF Consulting are \$3,000 per month, which result in annual charges of \$36,000, plus expenses estimated not-to-exceed \$10,000 per year. There is no increase from the prior contract. The source of funding of the City's hotel asset management costs will be from hotel operating cash flow.

The proposed agreement for hotel asset management services has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the agreement for hotel asset management services with PKF Consulting be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 470

BROOKS LANDFILL GROUNDWATER RELEASE ASSESSMENT, BROOKS LANDFILL. (DISTRICT VI)- SUPPLEMENTAL.

Agenda Report No. 06-0379

On February 10, 2004, The City Council approved an agreement with Burns & McDonnell for a KDHE required groundwater release assessment just south of the Brooks Landfill. The original work has been complied with the satisfaction of KDHE. KDHE is now requiring the City to install two new sentinel groundwater wells to monitor the plume's extent and the levels of the contaminants as they degrade naturally over time.

Burns & McDonnell is well equipped to prepare a plan for submission to KDHE on the appropriate location of the wells and to oversee the installation of the wells once they are approved by KDHE.

The amount of the original agreement was not to exceed \$50,820. The amount of the supplemental agreement will not exceed \$8,180. Sufficient funds are available in the Brooks Landfill Post Closure Fund Budget to cover the cost of these supplemental services and the use of these funds will be reflected in the 2006 Revised Budget when it is considered by the City Council later this year.

The supplemental agreement has been reviewed by the Law Department and approved as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signature authorized. Motion carried 7 to 0.

CONTRIS/AGMNTS CONTRACTS AND AGREEMENTS FOR MARCH 2006.

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

PROPERTY ACQ. PARTIAL ACQUISITION OF LAND FOR RIGHT-OF-WAY AT 11500 WEST 29TH STREET NORTH FOR ROADWAY PROJECT. (DISTRICT V)

Agenda Report No. 06-0380

On March 8, 2005, the City Council approved the reconstruction of 29th Street North between Maize Road and 119th Street. The project consists of an upgrade from a two-lane roadway to a four-lane roadway with landscaped medians and left turn lanes into adjoining residential neighborhoods. A new storm water sewer system will be installed to eliminate ditches along the roadway. The project requires the partial acquisition of several tracts of land for right-of-way purposes.

The project requires the acquisition of a 41,851.27 square foot strip along the existing road-right-of-way of 11500 West 29th Street North. The subject property is a rural farmstead developed with a single-family residence and several out buildings. The land appraised at \$38,000, or the equivalent to \$0.91 per square foot, and damages to landscaping and trees was valued at \$32,775 for a total of \$70,775. This amount was offered to the property owner and declined. A counter offer of \$95,555 was presented based on \$1.50 per square foot and the appraised value of the landscaping and trees.

A budget of \$97,000 is requested for the acquisition. This amount includes \$95,555 for the acquisition and \$1,445 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract and the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 471

PROPERTY ACQ.

PERMANENT EASEMENT AND PIPELINE EASEMENT FOR INTEGRATED LOCAL WATER SUPPLY PLAN.

Agenda Report No. 06-0381

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. This specific site requires a pipeline easement, a permanent easement for a river intake well and a temporary construction easement. The parcel is improved with both a residential homesite and agricultural crops. Landscaping, a domestic well and fencing will be impacted by the project. Estimates to cure these items total \$11,935. The property owner has agreed to convey said easements in exchange of \$21,580.00.

A budget of \$22,500 is requested; this includes \$21,580 for acquisition and \$920 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and the easements be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

VACANT LAND FOR RIGHT-OF-WAY IN 11,000 BLOCK OF WEST 29TH STREET NORTH OR ROADWAY PROJECT. (DISTRICT V)

Agenda Report No. 06-0382

On March 8, 2005, the City Council approved the reconstruction of 29th Street North between Maize Road and 119th Street. The project consists of an upgrade from a two-lane roadway to a four-lane roadway with landscaped medians and left turn lanes into adjoining residential neighborhoods. A new storm water sewer system will be installed to eliminate ditches along the roadway. The project requires the partial acquisition of several tracts of land for right-of-way purposes.

The project requires the acquisition of a 35,813.97 square feet strip along the existing road-right-of-way of the parcel located on the south side of the road in the 11,000 Block of West 29th Street North. The land was valued at \$36,000.00. This amount was offered to the property owner and accepted.

A budget of \$37,500 is requested for the acquisition. This amount includes \$36,000 for the acquisition and \$1,500 for closing costs and title insurance. The funding source is General Obligations Bonds and Federal Grants administrated by the Kansas Department of Transportation.

The Law Department has approved the contact as to form.

Motion--
--carried

Mayans moved that the budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 472

PROPERTY DISP. SALE OF SURPLUS LAND IN THE 1700 BLOCK OF SOUTH EXCHANGE. (DISTRICT III)

Agenda Report No. 06-0383

An offer has been received for a City-owned parcel on the east side of Greenway Boulevard between Osie and Funston. The subject consists of eight contiguous irregular shaped lots without any improvements. The properties were acquired in conjunction with the construction of Greenway Boulevard along the Arkansas River in 1931. These have been surplused since 1995. The irregular shaped tract along the Boulevard contains a total of 0.24 acres. It extends for approximately 210 feet north along the Boulevard. It is 87 feet wide at the south, narrowing to 20 feet wide.

The buyer's residence is the adjacent land to the south. The acquisition will provide them with additional land further north to extend their yard. The buyer has offered \$1,800 for the City's interest in the land. Based on site configuration and the nature of the City's title, the proposed offer of \$1,800 is deemed reasonable.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and the City will no longer be responsible for maintenance.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

ASBESTOS SURVEY ASBESTOS SURVEY AND RELATED SERVICES.

Agenda Report No. 06-0384

Various City departments require asbestos survey services for demolition and remodeling projects as required by the Environmental Protection Agency (EPA) and the Kansas Department of Health and Environment (KDHE). Request for Proposals (RFP) (FP600006) were mailed to companies performing these services on January 16, 2006.

Five (5) firms responded to the proposal as follows: Allied Environmental Consultants (AEC) at \$75,500, Asbestos Consulting and Testing (ACT) at \$33,390, Integrated Solutions, Inc. (ISI) at \$34,312, Minority Contractors & Consultants, Inc. (MCCI) at \$28,065, and Precision Environmental Services (PES) at \$31,025.

The Staff Screening & Selection Committee (SS&SC) at their March 3, 2006 meeting took the following actions:

- One of the most critical aspects of who is hired is based on their ability to respond quickly with a quick turn around for providing an inspection report. The firm of ACT was eliminated because they are located in Lenexa, KS.
- The firm of AEC was eliminated because of their high fee proposal.
- ISI, MCCI and PES were selected for interview based on their fee proposals and qualifications.

The SS&SC interviewed the firms of ISI and Precision Environmental Services on March 15, 2006. MCCI pulled their response to the RFP because the City does not allow the same firm to perform the asbestos survey and abatement. MCCI is the current abatement contractor.

The committee voted unanimously to select the firm of Precision Environmental Services for this project based on their fee proposal and qualifications.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 473

RFP respondents quoted delivered prices on the equipment, material and services based on the square foot of the facility to be surveyed and unit prices for testing and sampling. Quantities were estimates only. The Contract will not obligate the City to any specific purchases or volume of purchases on asbestos surveys. It only provides the departments the ability to obtain asbestos surveys from the most qualified, cost-effective vendor. The Contract is for one (1) year with an option to renew for one (1) successive year period by mutual agreement of both parties.

The Law Department will review and approve the Contract as to form.

Motion--

Mayans moved that the selection of Precision Environmental Services be approved; the Purchasing Manager authorized to negotiate a Contract and approve the necessary signatures. Motion

--carried

carried 7 to 0.

TRISTATE/HARCOS SERVICES FOR TRISTATE/HARCOS REMEDIATION PROJECT. (DISTRICT III)

Agenda Report No. 06-0385

The City is required by an agreement with the Kansas Department of Health and Environment (KDHE) to cleanup identified soil and groundwater contamination sites (also known as source areas) located within the Gilbert-Mosley remediation area. The Harcros/TriState site is a source area located within the Gilbert-Mosley remediation area that consists of two properties located at and around 724 and 727 East Osie Street. Technical services will be needed to design, build, and operate the remediation equipment with the goal to cleanup the specific contamination area to levels approved by KDHE. Additional services will include a work plan, a pilot study, system evaluations, environmental monitoring, and preparation and submittal of site status and closure reports as approved by the City of Wichita and the Kansas Department of Health and Environment.

In accordance with the City of Wichita's Charter Ordinance No. 111 for Public Improvement Design/Build Projects and in accordance with Administrative Regulation 1.2, contracting for Professional Services, proposals were mailed to qualified firms on December 5, 2005. Seven firms responded on January 9, 2006 and a Staff Screening Selection Committee (comprised of City representatives) was convened on January 25, 2006 to review the proposals. At that time, a short list of three firms, Camp, Dresser, & McKee, Burns and McDonnell, and Aquaterra Environmental Solutions, were selected for further evaluation. On January 30, 2006, the Staff Screening and Selection Committee reconvened to listen to presentations of the three firms. The committee selected the firm of Burns and McDonnell.

The cost of the project will be funded through the Gilbert and Mosley TIF (Tax Increment Finance District) fund and is not expected to exceed \$500,000 including contingencies. This cost also includes an option to extend technical services and operation and maintenance of the remediation system. ES staff is expecting the overall cost to be much less.

The Law Department has approved the Contract as to form.

Motion--

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion

--carried

carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 474

LATTNER GRANT

LATTNER FOUNDATION GRANT FOR THE WATER CENTER.

Agenda Report 06-0386

The environmental education component of the Wichita Area Treatment, Education and Remediation (WATER) Center addresses water quality resources focusing on public education regarding hydrological processes, groundwater remediation, impacts to public health and the environment, and the inter-relationship between groundwater and the Arkansas River. The facility provides a unique and important educational destination for schools, civic groups, and the general public.

In 2003, a preliminary WATER Center education exhibit development plan was prepared by the firm of has selected Taylor Studios for the design and construction of the center's exhibits. The firm provided for the design of the exhibits for the Herman Hill/Gilbert-Mosley Environmental Education Facility. The draft contract has been reviewed by both the Legal Department and the Purchasing Department. Taylor Studios has performed other projects in area such as the "Fossil Dig" at Exploration Place and all of the new exhibits for Dillon Nature Center in Hutchinson, conceptual exhibit designs through discussions and interaction with local and state educational institutions, staff, and other community organizations and developed and provided a "design book" of proposed exhibits for the facility. The firm also developed projected construction costs that will be used for funding solicitation. This grant would aid in funding the water education exhibits at the WATER Center.

The grant application deadline was March 1, 2006. Under authority of City of Wichita Administrative Regulation No. 61, the City Manager is authorized to submit the grant application where delay would invalidate the grant application.

The Department of Environmental Services requests authorization to apply for the Forrest C. Lattner Foundation grant. The grant would fund new hands-on environmental education exhibits at the WATER Center. The educational component of the WATER Center has been designed similarly to that of the Great Plains Nature Center. Once exhibits and displays were installed, the Nature Center was able to reach 150,000 visitors per year. The WATER Center's objective is to provide a similarly large number of visitors with an enhanced educational experience on water quality, protection and conservation, pollution prevention, and environmental stewardship.

The Department of Environmental Services is requesting Forrest C. Lattner Foundation grant funding of \$25,000. The grant does not require matching funds from the city.

Motion--
--carried

Mayans moved that the grant application be approved; the necessary signatures and funds received if awarded the grant. Motion carried 7 to 0.

SENIOR WED.

KANSAS HEALTH FOUNDATION RECOGNITION GRANT FUNDS FOR THE SENIOR WEDNESDAY PROGRAM AT WATER CENTER.

Agenda Report No. 06-0387

The WATER Center is part of a local informal coalition of museums focusing their efforts once a month specifically on seniors through a program called Senior Wednesdays. This program began as a monthly offering of the Wichita Art Museum Inc. for senior adults in June 2004. By February of 2005, programs were being presented on additional Wednesdays of each month by the Sedgwick County Zoo, Ulrich Museum of Art at WSU and Wichita-Sedgwick County Historical Museum. In the summer and fall of 2005, programs for seniors were held at the Wichita Public Library, City Arts, the WATER Center, and Exploration Place. This program directly impacts the health of senior adults by enhancing their quality of life through community involvement, lifelong learning and the opportunity to socialize with other senior adults.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 475

The Wichita Art Museum's Senior Wednesday program was awarded a Kansas Health Foundation Recognition Grant. The grant is managed by the Wichita Art Museum Inc. (who submitted the grant application). The grant money will be used to fund a study on the program's impact to the senior community, to offset the market costs associated with the program and to fund the program costs of the eight museums involved in presenting Senior Wednesday programs.

The Wichita Art Museum Inc. has awarded \$2,000 to the WATER Center for the 2006 Senior Wednesday Program from the Kansas Health Foundation Recognition Grant. There is no match required. The WATER Center agrees to:

- To use the grant monies toward Senior Wednesday programming, and
- To collect and provide program records as requested by the Kansas Health Foundation.

The Department of Law has approved the grant award as to form.

Motion--
--carried

Mayans moved that the grant award be approved and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ APRIL 4, 2006)

- a) **SIDEWALK REPAIR AND SIDEWALK CLEANING ASSESSMENT PROGRAM.**
(DISTRICTS I, II, III, VI)

ORDINANCE NO. 47-005

1. An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas.

ORDINANCE NO. 47-006

2. An Ordinance making a special assessment to provide a tax levy for the cost of sidewalk cleaning in the City of Wichita, Kansas.

- b) **INDUSTRIAL REVENUE BONDS, PRAIRIE VILLA AT BEACON HILL, LLC.**
(DISTRICT I)

ORDINANCE NO. 47-007

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable Industrial Revenue Bonds for the purpose of providing funds to acquire, construct and equip a residential rental facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of various documents relating to the issuance of and security for the bonds, the lease of the residential rental facility to Prairie Villa at Beacon Hill, L.C., and the sale of the bonds.

- c) **PAWNEE IMPROVEMENT BETWEEN A POINT APPROXIMATELY 650 FEET WEST OF PALISADE AND BROADWAY. (DISTRICT III)**

ORDINANCE NO. 47-008

An Ordinance amending Ordinance no. 46-808 of the City of Wichita, Kansas declaring Pawnee, between Palisade and Water Street (472-84283) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 476

d) **11TH STREET BRIDGE AT THE DRAINAGE CANAL. (DISTRICT I)**

ORDINANCE NO. 47-009

An Ordinance declaring the 11th Street North Bridge at the Wichita Drainage Canal (472-84396) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

e) **HILLSIDE STREET BRIDGE AT GYPSUM CREEK, SOUTH OF RANGE ROAD. (DISTRICT III)**

ORDINANCE NO. 47-010

An Ordinance declaring the Hillside Street Bridge at Gypsum Creek (472-84395) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

f) **DR2006-03-REQUEST FOR A STREET NAME CHANGE FROM JARDINE DRIVE TO OPPORTUNITY DRIVE. (DISTRICT I)**

ORDINANCE NO. 47-011

An Ordinance changing a street name from Jardine Drive to Opportunity Drive, be it ordained by the governing Body of the City of Wichita, Kansas.

g) **PUD2005-00004-GENERALLY LOCATED 1/8 MILE NORTH OF 21ST STREET NORTH, EAST AND WEST OF JARDINE DRIVE. (DISTRICT I)**

ORDINANCE NO. 47-012

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (PUD2005-00004)

h) **ASSESSMENTS FOR TWENTY-TWO WATER PROJECTS, TWENTY-ONE SEWER PROJECTS AND THIRTEEN STORM SEWER PROJECTS IN JULY 2006 BOND SALE SERIES 786.**

a) (470-926/448-89793)

ORDINANCE NO. 46-898

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89793 TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 477

- b) (470-882/448-89828)

ORDINANCE NO. 46-899

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89828 TO SERVE HIGHLAND SPRINGS 3RD ADDITION, West of 135th Street West, South of Central, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) (470-896/448-89838)

ORDINANCE No. 46-900

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89838 TO SERVE FOX RIDGE ADDITION, North of 29th Street North, between Maize & Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- d) (470-920/448-89868)

ORDINANCE NO. 46-901

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89868 TO SERVE AVALON PARK ADDITION, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) (470-921/448-89869)

ORDINANCE NO. 46-902

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89869 TO SERVE AVALON PARK ADDITION, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- f) (470-922/448-89870)\

ORDINANCE NO. 46-903

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89870 TO SERVE AVALON PARK ADDITION, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 478

g) (470-873/448-89908)

ORDINANCE NO. 46-904

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89908 TO SERVE AVALON PARK 2ND ADDITION, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

h) (470-908/448-89911)

ORDINANCE NO. 46-905

Construction of Water Distribution System No. 448-89911 TO SERVE AUBURN HILLS 15TH ADDITION, West of 135th Street West, North of Kellogg, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

i) (470-879/448-89958)

ORDINANCE NO. 46-906

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89958 TO SERVE SAND PLUM ADDITION, South of 45th Street North, West of Webb, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

j) (470-878/448-89985)

ORDINANCE NO. 46-907

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89985 TO SERVE SAVANNA AT CASTLE ROCK RANCH 10TH ADDITION, West of 143rd Street East, North of 13th, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

k) (470-893/448-89992)

ORDINANCE NO. 46-908

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89992 TO SERVE HAWTHORNE 3RD ADDITION, North of 21st, East of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 479

- l) (470-890/448-89993)

ORDINANCE NO. 46-909

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89993 TO SERVE HAWTHORNE 2ND & 3RD ADDITIONS, North of 21st, East of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- m) (470-917/448-89998)

ORDINANCE NO. 46-910

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89998 TO SERVE SHOAL CREEK 3RD ADDITION, West of 143rd Street East, South of Central, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- n) (470-895/448-90006)

ORDINANCE NO. 46-911

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90006 TO SERVE REGENCY LAKES COMMERCIAL 2ND ADDITION, North of 21st, West of Greenwich, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- o) (470-892/448-90012)

ORDINANCE NO. 46-912

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90012 TO SERVE WOODLAWN NORTH POINTE ADDITION, South of 29th Street North, East of Woodlawn, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- p) (470-905/448-90022)

ORDINANCE NO. 46-913

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90022 TO SERVE SAWMILL CREEK ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 480

q) (470-912/448-90035)

ORDINANCE NO. 46-914

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90035 TO SERVE AUBURN HILLS 15TH ADDITION, West of 135th Street West, North of Kellogg, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

r) (470-909/448-90036)

ORDINANCE NO. 46-915

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90036 TO SERVE AUBURN HILLS 15TH ADDITION, West of 135th Street West, North of Kellogg, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

s) (470-911/448-90037)

ORDINANCE NO. 46-916

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90037 TO SERVE THE WATERFRONT ADDITION, North of 13th Street, East of Webb Road, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

t) (470-932/448-90052)

ORDINANCE NO. 46-917

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90052 TO SERVE SOUTHERN RIDGE 3RD ADDITION, South of Pawnee, West of Maize, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

u) (470-913/448-90058)

ORDINANCE NO. 46-918

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90058 TO SERVE EVERGREEN ADDITION, North of 21st, West of Maize, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 481

v) (470-919/448-90064)

ORDINANCE NO. 46-919

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90064 TO SERVE VALLEY ACRES ADDITION, North of 11th, West of St. Paul, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SEWER PROJECTS:

w) (480-789/468-83171)

ORDINANCE NO. 46-920

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 2, MAIN 11, SANITARY SEWER NO. 23, East of Rock Road, North of 45th Street North, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

x) (480-772/468-83431)

ORDINANCE NO. 46-921

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 2, MAIN 21, SOUTHWEST INTERCEPTOR SEWER, North of 47th Street South, East of Hoover, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

y) (480-770/468-83534)

ORDINANCE NO. 46-922

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 6, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 135th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

z) (480-783/468-83646)

ORDINANCE NO. 46-923

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 8, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, between Maize & Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 482

aa) (480-805/468-83690)

ORDINANCE NO. 46-924

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 10, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ab) (480-806/468-83691)

ORDINANCE NO. 46-925

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 11, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ac) (480-807/468-83692)

ORDINANCE NO. 46-926

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 12, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ad) (480-755/468-83748)

ORDINANCE NO. 46-927

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 16, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ae) (480-793/468-83758)

ORDINANCE NO. 46-928

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 10, MAIN 2, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, North of Kellogg, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 483

af) (480-745/468-83802)

ORDINANCE NO. 46-929

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 369, FOUR MILE CREEK SEWER, North of Pawnee, East of Webb, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ag) (480-749/468-83804)

ORDINANCE NO. 46-938

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 33, MAIN 1, WESTLINK SEWER, East of Evergreen, North of Maple, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ah) (480-764/468-83831)

ORDINANCE NO. 46-939

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 34, MAIN 1, WESTLINK SEWER, East of Byron, South of Douglas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ai) (480-771/468-83870)

ORDINANCE NO. 46-930

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 5, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

aj) (480-778/468-83871)

ORDINANCE NO. 46-931

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 6, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 484

ak) (480-782/468-83895)

ORDINANCE NO. 46-932

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 6, MAIN 26, WAR INDUSTRIES SEWER, North of 21st, West of Greenwich, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

al) (480-785/468-83922)

ORDINANCE NO. 46-933

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 18, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 29th Street North, East of Ridge, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

am) (480-794/468-83948)

ORDINANCE NO. 46-934

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 11, MAIN 2, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, North of Kellogg, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

an) (480-797/468-83949)

ORDINANCE NO. 46-935

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 50, MAIN 24, WAR INDUSTRIES SEWER, North of 13th, East of Webb, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ao) (480-798/468-83969)

ORDINANCE NO. 46-936

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 1, MAIN 6, NORTHWEST INTERCEPTOR SEWER, North of 21st, West of Maize, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 485

ap) (480-804/468-84008)

ORDINANCE NO. 46-940

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 148, MAIN 4, SANITARY SEWER NO. 23, West of Arkansas, North of 33rd Street North, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

aq) (480-822/468-84034)

ORDINANCE NO. 46-937

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of MAIN 14B, FOUR MILE CREEK SEWER, South of 21st, East of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

STORM SEWER PROJECTS:

ar) (485-282/468-83169)

ORDINANCE NO. 46-941

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 156, TO SERVE SAWMILL CREEK ADDITION, East of Rock, North of 45th Street North, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

as) (485-269/468-83558)

ORDINANCE NO. 46-942

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 196, TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

at) (485-270/468-83561)

ORDINANCE NO. 46-943

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 583, TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 486

au) (485-220/468-83573)

ORDINANCE NO. 46-944

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 586, TO SERVE POWER CDC 2ND ADDITION, North of 25th Street North, West of Grove, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

av) (485-283/468-83637)

ORDINANCE NO. 46-945

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 205, TO SERVE HIGHLAND SPRINGS 3RD ADDITION, West of 135th Street West, South of Central, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

aw) (485-250/468-83759)

ORDINANCE NO. 46-946

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 223, TO SERVE AUBURN HILLS 15TH ADDITION, West of 135th Street West, North of Kellogg., read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ax) (485-273/468-83836)

ORDINANCE NO. 46-953

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 235, TO SERVE MY HOUSE ADDITION, South of 55th Street South, West of Broadway, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(ay) (485-277/468-83894)

ORDINANCE NO. 46-947

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 610, TO SERVE SOUTHERN RIDGE 2ND ADDITION, South of Pawnee, West of Maize, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 487

az) (485-274/468-83899)

ORDINANCE NO. 46-948

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 240, TO SERVE THE PLAZA AT CHERRY CREEK HILLS, East of Rock, North of Oak Knoll, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ba) (485-275/468-83920)

ORDINANCE NO. 46-949

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 242, TO SERVE THE WATERFRONT 4TH ADDITION, North of 13th, East of Webb, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(bb) (485-276/468-83929)

ORDINANCE NO. 46-950

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 245, TO SERVE FOX RIDGE ADDITION, East of Maize, North of 29th Street North, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

bc) (485-279/468-83936)

ORDINANCE NO. 46-951

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 248, TO SERVE THE FAIRMONT 3RD, West of 127th Street East, North of 21st, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(bd) (485-286/468-83951)

ORDINANCE NO. 46-952

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 612, TO SERVE THE WATERFRONT ADDITION, North of 13th, East of Web, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 488

UNFINISHED BUSINESS

NE BASEBALL

DEVELOPMENT AGREEMENT FOR THE NORTHEAST BASEBALL COMPLEX. (DISTRICT II)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 06-0388

In 1999, the City of Wichita purchased 60 acres near 29th Street North and Greenwich Road, adjacent to the Stryker Soccer complex. The land was purchased with the intent to build a new baseball complex in that sector of the City. In 2001, the CIP had \$1 million set aside to start design and construction of the new baseball complex. During the design phase it was determined that in order to build the complete baseball/softball complex, staff would either need to develop a partnership with a private entity or seek approval of additional CIP funding. In 2003, the City received its only Request For Proposal (RFP) response from CPYS, a registered non-profit organization.

The project will be developed in several stages with the understanding that CPYS will develop and build at least ten (10) youth baseball/softball fields within eight years of the signed and approved agreement.

The approved CIP still has \$870,000 remaining from the original approved \$1,000,000 budget after the designed costs were paid. Use of the remaining CIP funding is completely dependent upon structuring the project so that it is a bondable "public improvement". If appropriate terms to accomplish this can be negotiated in the development agreement, bond proceeds will be used to reimburse construction costs consistent with the terms of the negotiated agreement.

The Law Department will assist in further negotiation of the proposed development agreement, and if appropriate agreement terms can be finalized, staff will bring it back to Council for approval by Ordinance, upon a 2/3 vote, as required under Charter Ordinance No. 177.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the selection of Central Plains Youth Sports (CPYS) as the preferred developer for the baseball/softball facility be approved and the creation of a development agreement to be approved by the City Council at a later date authorized. Motion carried 7 to 0.

--carried

NEW BUSINESS

CORRIDOR PLAN

ARKANSAS RIVER CORRIDOR ACCESS PLAN. (DISTRICTS I, III, IV, V & VI)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 06-0389

On August 9, 2005 City Council approved \$30,000 for the Arkansas River Corridor Access Plan. The City Council approved a "Letter of Agreement" with the Kansas Department of Wildlife and Parks (KDWP) and agreed to work together to develop a coalition of partnerships to fund a study for an access plan which would identify key areas along the Arkansas River from Rice County to the Oklahoma border for corridor access for recreation purposes.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 489

Since that time, KDWP and the City of Wichita have solidified commitments from several surrounding communities to financially support the plan. The following is the current complete listing of financial commitments.

KDWP	\$30,000
City of Wichita	\$30,000
Sedgwick County	\$10,000
Reno County	\$ 5,000
City of Hutchinson	\$ 2,500
Arkansas River Coalition	\$ 1,000
City of South Hutchinson	\$ 500
Sumner County	\$ 500
City of Oxford	\$ 500
Total	\$80,000

The nine partners above identified the scope of the access plan that would include the stretch of the Arkansas River from the Rice/Reno County line to the City of Oxford. The City of Wichita Park and Recreation Department will lead an effort to develop a Request for Qualifications and obtain a planning consultant to develop a plan which will best serve the citizens for river access in this region.

The City of Hutchinson, South Hutchinson and Reno County have requested that an MOU be obtained from the City of Wichita as part of their commitment to ensure their interest in the plan.

The Strategic Plan and Visioneering Study identifies the Arkansas River as an important strategy of our goal to make Wichita and surrounding areas a more attractive place to live and enjoy. Through this process, citizens have voiced the need to make this valuable resource more accessible.

The financial commitments from the partners demonstrate the value of recreation and access to the Arkansas River. It also demonstrates the need to begin a process to develop a plan that will provide a blueprint for the future development of Arkansas River access points. The access plan has the potential to create a recreational asset for our region of the state and a model for other connecting communities. Furthermore, it facilitates or “puts into action” the vision of the Strategic Plan and Visioneering Study as a tool to promote the Arkansas River.

The total amount of funding for this plan is currently \$80,000. The City’s Park and Recreation Department will take the lead role in managing this study in cooperation with the Kansas Department of Wildlife and Parks. The City will collaborate with the other partners in development of the Arkansas River Access Plan. If other partners wanting to be a part of this plan make commitments, then the scope and cost of this study may increase.

The Law Department has reviewed and approved the MOU’s from the City of Hutchinson, South Hutchinson and Reno County.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the partnerships of the entities identified for financial contribution to the plan, soliciting RFQ’s for the Arkansas River Corridor Access Plan and the Memoranda of Understandings, be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 490

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, II AND VI)

Kurt Schroeder Superintendent of Central Inspection reviewed the item.

Agenda Report No. 06-0390

On February 28, 2006 a report was submitted with respect to the dangerous and unsafe conditions on the following nine (9) properties below. The Council adopted resolutions providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on April 11, 2006.

On February 6, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

Property Address	Council District
a. 1218 North Cleveland	I
b. 1316 North Kansas	I
c. 1456 North Piatt	I
d. 1513 North Grove	I
e. 2105 North Minnesota	I
f. 2547 Raleigh	I
g. 1627 South Lulu	I
h. 3003 North Salina	VI
i. 15300 East Kellogg (U.S. 54)	II

Pursuant to State Statute, the Resolutions were duly published twice on March 2, 2006, and March 9, 2006. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder Superintendent of Central Inspection reported that there are representatives here today to speak on three of the properties, which are located at C) 1456 North Piatt, F) 2547 Raleigh and I) 15300 East Kellogg. Stated that he recommends that the Council take the recommended action for the remaining properties to proceed with condemnation on the properties located at A) 1218 North Cleveland, B) 1316 North Kansas, D) 1513 North Grove, E) 2105 North Minnesota, G) 1627 South Lulu and H) 3003 North Salina.

Motion-- Mayans moved that public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures be accepted. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of April 11, 2006; (2) the structures have been secured as of April 11, 2006 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of April 11, 2006 and will be so maintained during renovation for the properties located at A) 1218 North Cleveland, B) 1316 North Kansas, D) 1513 North Grove, E) 2105 North Minnesota, G) 1627 South Lulu and H) 3003 North Salina. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 491

RESOLUTION NO. 06-163

A Resolution finding that the structure/s legally described as Lots 77 and 79, Grandville Park Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 1218 North Cleveland, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-164

A Resolution finding that the structure/s legally described as Lots 49 and 50, Rosenthal's Second Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 1316 North Kansas, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-167

A Resolution finding that the structure/s legally described as Lots 41 and 43, on Minnesota Avenue, Parkview Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 2105 North Minnesota, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-169

A Resolution finding that the structure/s legally described as Lots 22, 24, 26 and 28, Block 4, Strong's Subdivision in Block 4 of Schweiter's Second Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 1627 South Lulu, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-170

A Resolution finding that the structure/s legally described as Lot 1, Warenfelt Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known 3003 North Salina, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans

Kurt Schroeder

Superintendent of Central Inspection reported that they have had an active case on item C) 1456 North Piatt, since October 2004 and ended up taken the owner to Municipal Court in 2005. Stated that there was some work started on siding and roofing repairs but that ceased about six months to a year ago. Stated that they have since that time they have proceeded on a condemnation action. Stated that there is over \$2,000.00 owed on back taxes and special assessments for cleanups and there are pending special assessments that are ready to be recorded for cleanups in the amount of nearly \$1,400.00. Stated the husband of the owner's daughter is here today and he is looking for some time to get things worked out and has indicated that he would like to get the property in his wife's name and then tear it down to erect a new structure at this location.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 492

- Mr. Griffin Mr. Griffin stated that the owner of the property lives in Kansas City and that he holds the deed to the house and he is here today for him. Stated that they would like to rebuild on the lot and that they would tear down the house. Stated that he cannot pay the back taxes within 10 days.
- Council Member Brewer Council Member Brewer stated that they cannot seem to get the taxes paid and the house is going to be removed anyway.
- Motion-- Brewer moved that the City Council proceed with the staff's recommendation to proceed with
--carried condemnation. Motion carried 7 to 0.

RESOLUTION NO. 06-165

A Resolution finding that the structure/s legally described as Lots 142 and 144, Piatt Avenue, Logan Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 1456 North Piatt, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, and Mayans.

- Kurt Schroeder Superintendent of Central Inspection reported that they have been working on a housing code case on the property located at F) 2547 Raleigh, for many years prior to taking it to court in 2000 and then after a new owner took over about four to five years ago. Stated that they sent notices and ended up in court with that owner. Stated that there was some work started at that time, however, it has ceased over the past year. Stated that there are also delinquent taxes on this property, which is over \$1,300.00 and the owner has been notified of that. Stated that the owner is present today and is looking for additional time to pay the taxes owed and to repair the property. Stated that no one showed up at the Board of Code Standards and Appeals Meeting and staff recommends that the City Council proceed with the board's action to condemn it and tear it down.
- Douglas Hanley Mr. Hanley stated that he wants to rebuild the structure and give it to his daughter to live in. Stated that he can have the back taxes paid by May 15th and asked if he could get six months to finish the repair work on the house.
- Council Member Brewer Council Member Brewer stated that he could not be given six months and asked if it could be completed within 90 days.
- Douglas Hanley Mr. Hanley stated yes.
- Motion-- Brewer moved that the property owner be allowed to pay the back taxes by May 15th and allow him 90 days to get the outside structure repaired and to work with the Office of Central Inspection to get the structure secured and repaired and if this is not accomplished within that time frame to proceed with staff's recommendation to proceed with condemnation.
- Council Member Fearey Council Member Fearey stated that she cannot support this motion and that he has owned this property for four years and that is a long time for the neighborhood to have put up with this and he has not paid his taxes. Stated that the roof is still opened in the back of the house and that the City has a paint grant program and that she is not going to be able to support the motion.
- carried Motion carried 6 to 1, (Nay-Fearey).

RESOLUTION NO. 06-168

A Resolution finding that the structure/s legally described as Lot 20, Block Q, Audrey Matlock Heights First Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 2457 East Raleigh, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 1, Yeas: Brewer, Gray, Martz, Schlapp, Skelton, and Mayans, (Nay-Fearey).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 493

- Kurt Schroeder Superintendent of Central Inspection reported that this property is located at I) 15300 East Kellogg and that they have taken action on it for 10 months and that it is on a very large piece of land and is difficult to see from the road. Stated that they were called in because the police were having problems with teenagers using this abandoned house and it is in bad shape and could collapse at any moment. Stated that there is about 40 acres and a lot of back taxes are owed on it and that bank representatives have contacted him. Stated that their plan is to do what they need to do to get it cleaned up and get the taxes paid and try to get control of the property.
- Jarrold Hyman Mr. Hyman stated that he represents Conway Bank and that they have the mortgage on the property and that the owner of the property is an LLC that is pretty much defunct and has not actually bankrupted and turned over the asset yet but the bank has been working with the County Attorney for nearly a year to resolve the tax situation. Stated that their intent is to within the next 30 - 90 days, get a contractor and get it taken care of.
- Motion-- Schlapp moved to proceed with staff's recommendation, which is to close the public hearing; the resolutions declaring the buildings dangerous and unsafe structures adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures be accepted. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of April 11, 2006; (2) the structures have been secured as of April 11, 2006 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of April 11, 2006 and will be so maintained during renovation for the properties located at. Motion carried 7 to 0. Motion carried 7 to 0.
- carried

RESOLUTION NO. 06-171

A Resolution finding that the structure/s legally described as Lot 1, Block 1, Bell Terre South, an Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 15300 East Kellogg, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- Kurt Schroeder Superintendent of Central Inspection stated that a representative arrived after we started the hearing for the property located at D) 1513 North Grove and that we would need to reopen the hearing for this item.
- Mayor Mayans Mayor Mayans suggested that the Council have the hearing and then see whether or not we need to rescind the motion.
- Kurt Schroeder Superintendent of Central Inspection stated that they have had an active case on this property for about three years and initiated condemnation action in May 2005. Stated that the taxes have been delinquent for five years in the amount of nearly \$1,700.00 and they have initiated the tax foreclosure process on this property. Stated that there are also special assessments pending for weed mowing and cleanup in the amount of nearly \$1,000.00. Stated that the premise is not too bad and the structure is basically secured. Stated that the roof and the porch are in awful shape and these are two large holes in the roof and that the structure of the roof is about to collapse.
- Council Member Brewer Council Member Brewer requested that Kurt Schroeder sit down with the property owner to find out what they can do regarding the tax foreclosure.
- Motion-- Mayor Mayans moved that the City Council reconsider their action on item D) 1513 North Grove and defer this item to the next Council Meeting. Motion carried 7 to 0.
- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 494

2007 HEALTH INS.

2007 HEALTH INSURANCE PROGRAM.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 06-0391

The City uses a Health Insurance Advisory Committee (HIAC) to monitor health insurance programs for employees, and recommend new/renewal programs or changes in health coverage and cost, as required. The Committee includes representatives from the Fraternal Order of Police, International Association of Firefighters, Service Employees International, Teamsters unions, as well as the (non-union) Employees Council and Management staff.

The City Council directed staff to receive competitive bids for the City of Wichita's 2005/2006 health insurance plan. On October 12, 2004, the City Council accepted the recommendation of the Health Insurance Advisory Committee to approve Coventry Health Care of Kansas, Inc. as the medical and prescription provider for 2005 and 2006.

Coventry Health Care was selected as the preferred vendor as being most responsive to the Request For Proposal. Coventry was the low responder for the 2005 fully insured medical plan and insured prescription drug plan, with a total estimated aggregate cost for both medical and prescription of \$20,851,766 (exclusive of any plan changes). This was approximately 3.3% less than the 2004 medical and prescription drug plan. Coventry Health Care also provided a 2006 rate cap guarantee of not more than 10.9%, which also was approved. The agreement also included an increase cap on 2007 premium rates using a blended (medical and drug) trend assumption of 11.1% per annum and a blended (medical and drug) retention assumption of 12.1% to calculate premium rates for the 2007 policy year.

On November 4, 2005, Coventry Health Care offered the City a 2007 rate cap guarantee of not more than 13.7%. Subsequently, on March 7, 2006, Coventry Health Care offered the City a 2007 renewal with an 11.4% premium increase. This was 2.3% less than the original 2007 rate cap guarantee. Through the diligent efforts of Hilb, Rogal & Hobbs (HRH), the City's benefit consultant, HRH was able to negotiate a 2007 premium of 9.5%. This rate is 4.2% lower than the original Coventry 2007 rate cap guarantee. It is also 1.4% less than the 2006 premium increase of 10.9%.

The City's health and benefits consultant, Hilb, Rogal & Hobbs, reviewed the 2007 data and believe the 9.5% increase is justified.

The Health Insurance Advisory Board met on March 28, 2006 and recommended the following:

The Health Insurance Advisory Committee proposes acceptance of the 9.5% rate increase from Coventry Health Care for 2007, contingent on the City Manager's input and a Request for Proposal (RFP) if deemed necessary by the City Council.

There are no changes to the plan for 2007.

The renewal quote to purchase medical, prescription and vision coverage would require total monthly premiums of \$334.58/single and \$1,000.67/family. The City Council approved the 2006-08 proposal with Vision Services Program (VSP) on September 20, 2005.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 495

City Council approval of the recommended plan, maintaining an 80%/20% premium split, would result in monthly premiums for 2007 health insurance (medical, prescription and vision) as listed below:

2006	Insurance Premiums		2007	Insurance Premiums	
City Share	Employee Share		City Share	Employee Share	
80%	20%	80%	20%		
Single	\$245.13	\$61.28	\$267.66		\$66.92
Family	\$732.92	\$183.24	\$800.55		\$200.12

A financial summary of Coventry Health Care of Kansas, Inc. is on file in the Department of Finance.

The contracts and related documents will be approved as to form by the City Attorney's office.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the recommendation of the Health Insurance Advisory Committee, to accept the 9.5% rate increase from Coventry Health Care for 2007, contingent on the City Manager's input and a Request for Proposal (RFP) if deemed necessary by the City Council be accepted and the required signatures authorized. Motion carried 7 to 0.

--carried

ORDER OF BUSINESS ORDER OF BUSINESS AT CITY COUNCIL CONSENT AGENDA/WORKSHOP MEETINGS.

Gary Rebenstorf Director of Law reviewed the item.

Agenda Report No. 06-0392

At the workshop conducted on April 4, 2006, the City Council discussed the processes and procedures to follow for City Council Consent/Workshop meetings. The City Council considered the changes to the order of business with the goal of having City Council meetings being more accommodating to citizens, neighborhood associations, community groups, business entities and associations, profit and non-profit companies, other governmental entities, and all others that have business to conduct with the City. The City Council directed the City Attorney to prepare a resolution encompassing the processes and procedures favored by the City Council members.

The proposed resolution addresses the order of business for City Council Consent Agenda/Workshop meetings as to pulling and voting on items from the Consent Agenda, automatic deferral of pulled items to the next regular meeting and procedures to follow for pulling items.

Under the proposed resolution, the new procedure for Consent Agenda/Workshop meetings will be effective, beginning with the City Council meeting of April 25, 2006.

The Council has the authority to adopt a resolution establishing the order of business at City Council Consent/Workshop meetings. The proposed resolution has been drafted and approved as to form by the Law Department.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Resolution pertaining to changes to the order of business at City Council Consent Agenda/Workshop meetings be adopted. Motion carried 7 to 0.

--carried

RESOLUTION NO. 06-162

A Resolution of the Governing Body of the City of Wichita pertaining to the order of business at City Council Consent Agenda/Workshop Meetings, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 496

PLANNING AGENDA

Motion--
--carried

Mayans moved that Planning Consent item 21 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

(Item 20)
PUD2005-00005 .

PUD2005-00005; PUD #21-CREATION OF THE KIRK PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED 1/3 MILE SOUTH OF 21ST STREET NORTH AND WEST OF MAIZE ROAD. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

(Council Member Schlapp momentarily absent)

Agenda Report No. 06-0393

MAPC Recommendations: Approve the PUD subject to the proposed provisions and uses as presented by the applicant (9-0).

MAPD Staff Recommendations: Approve, subject to Staff's amendments to the applicant's PUD.

DAB Recommendations: Deny (10-0) both the applicant's proposed PUD and Staff's amended PUD and leave the site's "SF-5" zoning in place with CU-156 over the excavation site and recognizing the excavation site's current legal nonconformance status, per the Zoning Administrator's August 25, 2005 letter.

The applicant proposes an approximately 4.3-acre, two parcel mixed residential, public – civic and commercial use Planned Unit Development (PUD). The PUD includes a 150-foot wireless communication facility (tower) as one of its proposed commercial use. The site is located approximately 1/3 of a mile south of 21st Street North and 170-feet west of Maize Road. The unplatted site is currently zoned "SF-5" Single-family Residential. The western 3.1-acres of the site has a Conditional Use overlay, CU-156, which permitted a metal agricultural storage building for agricultural and non-agricultural storage. The Sedgwick County Commission December 12, 1973 approved CU-156. The eastern 1.2-acres of the site is not part of the CU-156 overlay. At the time of the approval of CU-156, the entire site was identified as being zoned "R-1" Suburban Residential.

Currently, the western portion of the site is developed for Kirk's Excavating, and is located in CU-156. On this portion of the site, there is a metal storage building with one side of it open, a metal garage/storage building, a metal office building, what appears to be a private dispatch tower (85-feet tall, per the applicant's October 24, 2005 letter), a small shed, outdoor stockpiles (approximately 6 to 8-feet tall) of dirt and gravel, tractors, various types of trucks, scrapers, trailers and other equipment used by the excavation business. There is a wooden privacy fence along the excavation company's south and north sides where it abuts "SF-5" zoned single-family residences and a church. There is no solid screening along the site's west (excavation company) side where it abuts "SF-5" zoned undeveloped land. On August 15, 2005, the applicant completed a "Nonconforming Registration Form" to determine if the site's (Parcel 1) current excavation business was a legal nonconforming use. In the letter dated August 25, 2005, the Zoning Administrator confirmed the excavation business was a legal nonconforming use, while noting its current extensive outdoor storage of equipment and materials. In that same letter, the Zoning Administrator stated that if there was a significant increase in outdoor storage (stockpiles) or if construction of another building was desired, an amendment to CU-156 or rezoning of the site might be required.

The eastern 1.02-acres of the site is currently developed with a single-family residence. There is an evergreen hedge (over 6-foot tall) between the site's eastern 1.02-acre portion and the abutting "NO" Neighborhood Office zoned medical – dental offices. The entire site has no frontage on Maize Road. Access to Maize Road to the proposed PUD parcels is an existing 30-foot drive (ingress-egress easement), which passes by the south side of the existing medical – dental offices.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 497

The applicant's PUD site plan shows the site divided into two parcels. The two parcels reflect the current configuration of the western excavation business (Parcel 1, CU-156) site and the eastern single-family residence (Parcel 2) site. The site plan shows the existing buildings, general groupings of existing plants/landscaping and the general area where materials are stockpiled outdoors. The site plan's general provisions propose standards for utilities, lighting, signage, drainage (at the time of platting), ownership's responsibilities, fire, circulation/access, screening and landscaping. The site plan shows access to the PUD through the previously mentioned existing drive. The site plan does not show the existing solid screening, lighting, parking, dispatch tower or signage. The proposed uses for the two parcels shown on the site plan were amended in the applicant's October 24, 2005 letter to planning staff.

As previously mentioned, development abutting the site's east side, on properties zoned "NO", Neighborhood Office, are a single-story dental office (built 2001) and a soon to be finished single-story medical office. These two buildings/developments are between the site and Maize Road. Abutting the south side of the site, zoned "SF-5", is the Winwood Addition (recorded January 2, 1996), with its approximately 49 to 50 single-family residences. The partially developed 33.37-acre Westlink Christian Church Addition (recorded June 15, 1998) abuts the site's north and west sides. All of the Westlink Christian Church Addition is zoned "SF-5" with the north portion of the subdivision developed as a church and its parking (built after 1998), while the western portion remains undeveloped. Single-family residences, zoned "SF-5", are west of the churches undeveloped western portion.

Beyond the development in the site's immediate area, on either side of Maize Road, between 13th and 21st Streets North, commercial development is located at the arterial intersections (zoned predominately "LC" Limited Commercial) with predominately single-family residential development (zoned "SF-5") between these commercial nodes. An exception is a large (37.81-acre) cemetery, zoned "SF-5" with a Conditional Use overlay(s), located midway between 13th and 21st Streets North. There is also a small bundle of "TF-3" zoning southeast of the site, closer to the 13th and Maize Road intersection.

According to the "FCC Antenna Location Map for Wichita and Sedgwick County", the nearest cellular tower is approximately ¼ mile north of 29th Street North and approximately ¼ mile west of Maize Road. The nearest microwave tower is located approximately ¼ mile south of 13th Street North and midway between Tyler and Maize Roads. There has been an application for an Administrative Adjustment for a cellular tower north of the site, on the south side of 21st Street North and west of Maize Road.

At the November 3, 2005 MAPC meeting, the applicant's agent requested a two-week deferral. There were people present at this meeting wanting to discuss the proposed PUD. The MAPC gave them the opportunity to speak about the case at this meeting or in two weeks, if the deferral was granted. Those wanting to discuss the case advised the MAPC that they would prefer to speak about the case when the MAPC was ready to make a recommendation on the PUD. The MAPC then moved to approve the requested two-week deferral (11-0) and advised the members of the public not to file protest petitions until the after the case was considered at the November 17, 2005 MAPC meeting. Planning staff had received phone calls protesting the requested zone change prior to the MAPC meeting.

DAB V considered this case at their November 7, 2005 meeting, and unanimously recommended (10-0) that both the PUD as proposed by the applicant and as amended by Planning staff both be denied. What follows is a comparison of the applicant's proposed PUD and staff's proposed amendments to that PUD.

The applicant's proposed PUD: General Provisions, 1-15 and Parcel Descriptions for Parcels 1 & 2, which included the uses allowed on the two parcels. The applicant's proposed uses for the two parcels are identical, with two exceptions. First, the western Parcel 1 is proposed to have a 150-foot wireless communication facility. Second, the eastern Parcel 2 is proposed to have ancillary parking. Per the Unified Zoning Code (UZC), both uses are considered commercial types of uses.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 498

Uses common to both parcels include:

- (a) Single-family residential, duplex residential, multi-family residential (see letter) and assisted living. Per the UZC, all these uses are considered residential types of uses.
- (b) Group home, limited and general and convalescent care, limited and general. Per the UZC, all these uses are considered public - civic types of uses.
- (c) General office, personal improvement services and construction sales and services, as defined in the applicant's letter. The use of the wireless communication facility is included in Parcel 1's definition of construction sales and services and not in Parcel 2's. The excavation business currently on Parcel 1 appears to have a private dispatch tower, which is presumably what the applicant is referencing. Per the UZC, all these uses are considered commercial types of uses.

Planning staff amended the applicant's proposed PUD (the applicant did not agree with the following staff's amended version of the PUD) as follows:

- (a) Parcel uses: no 150-foot tower, no multi-family residential uses, and no personnel service uses.
- (b) 35-foot maximum height on all buildings with design and materials used for building similar to the abutting single-family residences.
- (c) "OW" Office Warehouse restrictions on the excavation business (construction sales and services) sunrise to sunset operation hours, a 15-foot maximum on outdoor stockpiles, paving of all current employee and customer parking
- (d) A 14-foot maximum height on lighting with no lighting inside implemented compatibility setbacks.
- (e) Specific language on screening.
- (f) One shared monument sign.
- (g) A revised site plan and platting within a year.

There were many members of the public in attendance at the DAB meeting speaking against the applicant's proposed mixed use PUD. They objected to the introduction of more non-residential uses on the site and their potential impact on traffic and drainage in the immediate area. Another objection was possibility of the 150-foot cellular tower being built next to their homes and the church. Some of the members of the audience noted that if a PUD was approved, that they favored staff's amended PUD. The DAB found the introduction of non-residential uses as allowed by the applicants' proposed PUD and staff's amended PUD as not being compatible with the area's existing single-family residential development. The DAB recommendation for denying the PUD kept the site zoned "SF-5", with CU-156 in place on the western portion and recognizing that, per the Zoning Administrator's August 25, 2005 letter, that the current excavation business was a legal nonconforming use as it was now developed.

During the DAB meeting, the applicant noted that an error in the transfer of the site's zoning from the paper maps to the GIS maps (1999-2001 transfer period) and made this error a critical issue in regards to his proposed uses allowed in the PUD. The error was that the site was erroneously identified as being zoned "GC" General Commercial and not "SF-20" on both the 2000 paper zoning map and the subsequent GIS zoning map. The applicant found the error when speaking with Staff about possible uses on the site, prior to applying for the PUD. The applicant noted that the excavation business had been identified as a commercial use by the Sedgwick County's Appraiser's Office (no mention of zoning by the Appraiser's Office, just the land use) and by the "Existing Land Use Map" used during its 1999 annexation. The applicant's contention was that the recognized commercial use on the site should be reason to allow the additional non-residential uses. The applicant noted that the owners had assumed that they had commercial "GC" zoning because he had been allowed to expand the excavation business to its present scale. Staff acknowledged the error on the zoning map, but noted that their research on the site has shown that since 1958, when the zoning on the site was first identified, the site had always been zoned some type of rural or some type of single-family residential zoning. Staff could not find, and the applicant could not provide, documentation showing a zoning change request by the owner, the MAPC or the governing body, which is how a zone change can be initiated. Staff noted that since the establishment of the excavation business, the Wichita city limits had expanded to the site and now surrounded it. Staff also noted their reason for denying the use of the 150-foot cellular tower was that, apart from a letter from a wireless carrier stating they wanted to co-locate on the tower the applicant failed to provide any of the documents required in the "Location and Design Criteria" of the "Wireless Communication Master Plan". In fact, the applicant had not identified any of the

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 499

communication towers that were in the area. Those documents would include a site plan, propagation maps and tower details.

The MAPC considered this case at their November 17, 2005 meeting and approved (9-0) the PUD as proposed by the applicant, in reference to the site plan, its general provisions as listed 1-15, and the uses as proposed in the applicant's October 24, 2005 letter to staff, which would allow, as one of its commercial uses, the 150-foot cellular tower. There were many members of the public in attendance at the MAPC meeting speaking against the applicant's proposed mixed use PUD. Their objections were the same as those given at the November 7, 2005 DAB meeting. They objected to the introduction of more nonresidential uses on the site, and their potential impact on traffic and drainage in the immediate area and the possibility of the 150-foot cellular tower next to their homes. Staff has received recorded written protest to the MAPC approved PUD that totals over 77.38% of the total property within a 200-foot radius of the outer boundaries of the subject property. When 20% of the total property within a 200-foot radius of the outer boundaries of the subject property protest a zoning change, at least $\frac{3}{4}$ of the Governing Body must vote to approve the PUD to overturn the protest.

On December 16, 2005, the applicant requested a 60-day deferral before the PUD proceeded to City Council for final action; the end of the protest period was December 1, 2005. On March 7, 2006, the applicant requested a 30-day deferral prior to proceeding to City Council for final action.

The ordinance has been reviewed and approved as to form by the Law Department.

- Council Member Martz Council Member Martz stated that he would like the record to show that his intent is to allow the applicant to continue his existing business and to make the property available for a wider range of uses appropriate for this location, but does not want a cell tower built on this site and the primary reason for that is the neighborhood, which was 77%, primary objection was the cell tower. Therefore, bases on staff's findings, as outlined in the staff report the following motion.
- Motion-- Martz moved that the City Council approve the PUD subject to staff's recommended amendments to the original application, also outlined in the staff report, adding a prohibition on wireless communication facilities within the PUD and place the ordinance on first reading. Motion carried 7 to 0.
- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (PUD2005-21)

SUB2005-96

SUB2005-96-PLAT OF TOWNE PARC EIGHTH ADDITION, LOCATED SOUTH OF PAWNEE AND WEST OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 06-0394

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 42 lots on 14.03 acres, has recently been annexed into Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving improvements. Restrictive Covenants were submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. Since this site is located within the noise impact area of McConnell Airforce Base, an Avigational Easement and Restrictive Covenant have been submitted. An off-site Drainage and Utility Easement has also been submitted.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 500

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Restrictive Covenants, Avigational Easement and Drainage and Utility Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved, the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 06-172

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90190 (south of Pawnee, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-173

Resolution of findings of advisability and resolution authorizing construction of lateral 166, War Industries Sewer, 468-84175 (south of Pawnee, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-174

Resolution of findings of advisability and resolution authorizing constructing pavement on Cypress and Cypress Ct. (Lots 13 through 17, Block B) from the south line of the plat, north to the south line of Hurst; on Hurst from the west line of the plat, east to the west line of Greenleaf; on Greenleaf, from the south line of Hurst, north to the south line of Creed; and on Creed from the east line of Greenleaf, west to the west line of the plat and on Cypress ct., from the west line of Cypress, west to and including the cul-de-sac and that sidewalk be constructed on Cypress, Hurst, Greenleaf, and Creed (south of Pawnee, west of Webb) 472-84403, the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

AIRPORT AGENDA

Motion--
--carried

Mayans moved that Airport Agenda Consent items 22-24 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

EDA GRANT

U.S. ECONOMIC DEVELOPMENT ADMINISTRATION APPLICATION FOR AVIATION TECHNICAL CENTER FUNDING.

Agenda Report No. 06-0395

On March 21, 2006, the Wichita City Council considered providing financial support for the construction of an Aviation Training School at Jabara Airport. Sedgwick County has determined that they will take the lead role for providing technical education and training in Sedgwick County. The County has expressed its intent to construct this facility on Airport Authority property and to be responsible for ensuring payments are made to retire the debt associated with this 36 million dollar project. The City Council took action at its meeting to approve a bonding resolution for a not-to-exceed amount of \$1,600,000 contingent upon successful negotiation of a lease agreement between the Airport Authority and Sedgwick County.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 501

Part of the overall funding plan for this \$36 million project is a \$1,500,000 grant from the Economic Development Administration (EDA). The Wichita Airport Authority and Sedgwick County will be co-applicants for the grant; the South Central Economic Development District (SCKEDD) will be responsible for the grant administration.

Sedgwick County is anticipated to approve the EDA grant application at its April 12, 2006 meeting. The application due date is April 15, 2006. The EDA grant funding will be utilized for a portion of the Aviation Training School and other funding sources (Sedgwick County, City of Wichita, the private sector, the State of Kansas, and other federal assistance) will be utilized to fully finance the project.

The Wichita Airport Authority is a co-applicant with Sedgwick County on the EDA grant application because the project will be constructed on airport property. However, the responsibility for project management will be Sedgwick County and SCKEDD will be responsible for grant management as they have a long-standing relationship with EDA and have experience with EDA grant administration.

The EDA grant does not affect the resolution passed by the Council on March 21. The City's only financial commitment to the project is an amount not to exceed \$1,600,000.

The Law Office will review the complete application prior to the Mayor's signature.

Motion--
--carried

Mayans moved that the EDA grant application and the receipt of funds in the amount of \$1.5 million be approved and the necessary signatures authorized. Motion carried 7 to 0.

SABRE CONSULT.

AIR SERVICE CONSULTING SERVICES-SABRE CONSULTING.

Agenda Report No. 06-0396

On October 21, 2003, the Wichita Airport Authority authorized staff to advertise, select and enter into contract negotiations with various air service consultants to provide air service strategies and consulting services. On January 6, 2004, a selection committee reviewed proposals and conducted interviews to solicit firms to provide air service support functions at Mid-Continent Airport. Sabre Consulting was one of the firms selected to do air service consulting. On December 14, 2004, the Wichita Airport Authority approved a three-year agreement with Sabre to provide consulting services. The first project covered under the agreement was an updated market study to define and support continued air service development. The cost of the study was \$50,000, with project expenses not to exceed 10% of the cost of professional services. The 2004 agreement allows for additional work to be performed through separate work orders.

In order to have the flexibility to address air service deficiencies, and to be responsive as changes in the airline industry occur, funds are needed to conduct various air service studies, route analyses, preparation of presentations to targeted airlines, on-call research and other consulting services. As needs are identified, work orders will be prepared for approval by the Director of Airports.

An estimated \$25,000 is necessary to cover upcoming air service consulting projects. Funds are available in the Airport operating budget.

Motion--
--carried

Mayans moved that the expenditure of budgeted funds not to exceed \$25,000 be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 502

TAXIWAYS

TAXIWAYS "L", "L-1", COMPASS PAD AND APRON CONSTRUCTION EXTENSION OF TAXIWAY "H" AND "H-1".

Agenda Report No. 06-0397

On August 9, 2005 the Wichita Airport Authority approved a construction contract with Cornejo & Sons in the amount of \$5,985,051.81 for the project.

A change order has been prepared to address changes during construction and adjust the construction completion time.

The cost of the change order is \$22,112.18. The change order has been approved by the Federal Aviation Administration and will be funded with the approved federal grant and general obligation bonds paid for with airport revenue. The change order is less than one-percent of the contract amount. Funds are available within the current budget.

The Law Department has approved the change order to form.

Motion--
--carried

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Fearey

Council Member Fearey requested to appoint Kathy Dittmore to replace Pat Beckemeyer on the Juvenile Justice Corrections Board and Charlie Claycomb to replace Darcy Weaver on DAB VI.

Motion--carried

Mayans moved that the appointments be made. Motion carried 7 to 0.

RULES/PROCEDURE

CITY COUNCIL RULES OF PROCEDURE.

Agenda Report 06-0398

At the City Council meeting of April 4, 2006, Council member Skelton proposed a revision and update of the City Council Rules of Procedure. Council member Skelton requested that this item be placed on the City Council Agenda for discussion at the April 11, 2006 City Council meeting.

The City Council rules have been superseded by state law changes, in part, and should be given a fresh look. Other parts of the rules are outdated and should be amended to reflect the current structure of the City Council. The review and updating of the applicable provisions of the City Code will be a lengthy process.

The City Council has the legal authority to amend the City Council Rules of Procedure by majority vote, pursuant to the provisions of Section 2.04.170 of the City Code.

Motion--

Mayans moved that the City Attorney be directed to revise and update the City Council Rules of Procedure to coincide with the current structure of the City Council and current state laws.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

APRIL 11, 2006

PAGE 503

Council Member Skelton Council Member Skelton called for a Point of Order. Stated that he has the opportunity to discuss this as defined by the rules that the Council Member will be allowed to present this item uninterrupted in its entirety. Stated that he would like to state that his concerns over the way the rules are written are that many city ordinances, state laws and council resolutions have been adopted that supersede what is currently written in the council rules and with that a periodic update is his belief that clarity does become an issue. Stated that he feels that it is good business to keep these periodically updated and example of this would be the resolution that was adopted today regarding consent agenda/workshops. Stated that he feels that this resolution needs to be written into the rules. Asked the Director of Law if he were directed to revise these rules, if he would bring them back to the Council Members at a later date for adoption.

Gary Rebenstorf Director of Law stated that as he indicated in the workshop last week, it would probably take a couple of months to go through all of those.

Motion-- Skelton moved that the City Council direct the City Attorney to revise and update the City Council Rules of Procedure to coincide with current structure of the City Council and current state laws.
--carried Motion carried 7 to 0.

RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 10:45 a.m. to consider: Potential Litigation and Legal Advice and that the Council return from Executive Session no earlier than 11:00 a.m. and reconvene in the City Council Chambers on the First Floor of City Hall. Motion
--carried carried 7 to 0.

RECONVENE

The City Council reconvened in the City Council Chambers at 11:02 a.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved to close the Executive Session at 11:02 a.m. Motion carried 4 to 0, (Brewer, Schlapp and Skelton were not present).

Motion--carried Mayans moved to close the Regular Meeting at 11:03 a.m. Motion carried 4 to 0, (Brewer, Schlapp and Skelton were not present).

ADJOURNMENT

The City Council meeting adjourned at 11:03 a.m.

Respectfully submitted,

Karen Sublett CMC
City Clerk